

Senate File 462 - Reprinted

SENATE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 174)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to body piercing, body modification, and
2 tattooing, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2164SV 82
5 jr/cf/24

PAG LIN

1 1 Section 1. Section 135.37, Code 2007, is amended to read
1 2 as follows:
1 3 135.37 TATTOOING, BODY PIERCING, BODY MODIFICATION ==
1 4 PERMIT REQUIREMENT == PARENTAL CONSENT == PENALTY.
1 5 1. A person shall not own, control and lease, act as an
1 6 agent for, conduct, manage, or operate an establishment to
1 7 practice the art of tattooing, body piercing, or body
1 8 modification, or engage in the practice of tattooing, body
1 9 piercing, or body modification, without first applying for and
1 10 receiving a permit from the Iowa department of public health.
1 11 2. A minor shall not obtain a tattoo, or undergo a body
1 12 piercing or body modification, and a person shall not provide
1 13 a tattoo, body piercing, or body modification to a minor. ~~For~~
1 14 ~~the purposes of this section, "minor" means an unmarried~~
1 15 ~~person who is under the age of eighteen years.~~
1 16 2A. ~~For the purposes of this section:~~
1 17 a. "Body modification" means for commercial purposes the
1 18 permanent or semipermanent deliberate altering of the human
1 19 body for nonmedical reasons. "Body modification" does not
1 20 include tattooing or body piercing.
1 21 b. "Body piercing" means for commercial purposes the act
1 22 of penetrating the skin to make a hole, mark, or scar. "Body
1 23 piercing" does not include the use of a mechanized,
1 24 presterilized, ear-piercing system that penetrates the outer
1 25 perimeter or lobe of the ear, or both.
1 26 c. "Minor" means an unmarried person who is under the age
1 27 of eighteen years.
1 28 3. A person who fails to meet the requirements of
1 29 subsection 1 or a person providing a tattoo, body piercing, or
1 30 body modification to a minor is guilty of ~~a serious an~~
1 31 ~~aggravated~~ misdemeanor.
1 32 4. The Iowa department of public health shall:
1 33 a. Adopt rules pursuant to chapter 17A and establish and
1 34 collect all fees necessary to administer this section. The
1 35 provisions of chapter 17A, including licensing provisions,
2 1 judicial review, and appeal, shall apply to this chapter.
2 2 b. Establish minimum safety and sanitation criteria for
2 3 the operation of tattooing, body piercing, and body
2 4 modification establishments.
2 5 5. If the Iowa department of public health determines that
2 6 a provision of this section has been or is being violated, the
2 7 department may order that a tattooing, body piercing, or body
2 8 modification establishment not be operated until the necessary
2 9 corrective action has been taken. If the establishment
2 10 continues to be operated in violation of the order of the
2 11 department, the department may request that the county
2 12 attorney or the attorney general make an application in the
2 13 name of the state to the district court of the county in which
2 14 the violations have occurred for an order to enjoin the
2 15 violations and confiscate commercial property and equipment.
2 16 This remedy is in addition to any other legal remedy available
2 17 to the department.
2 18 6. This section shall not apply to a procedure performed

2 19 by a person licensed pursuant to chapter 148 or 150A.

2 20 SF 462

2 21 jr:nh/cc/26